

REMARKS

Claims 1- 21, 23-24, 26-30 and 32 are pending and stand rejected.

Applicant has added a new claim 1, wherein each layer of the claimed article is greater than 0.1 millimeter in thickness. Said amendment is supported in the original specification at page 6, line 27.

Applicant notes that the previous rejections over Palmer (US 5,915,549) and Palmer ('549) in view of Church (US 5,622,259) have been withdrawn.

35 U.S.C. §102

Claims 1- 21, 23-24, 26-30 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kito et al. (US 5,585,425). The Kito reference fails to teach every element of Applicant's claims, and therefore fails to present a *prima facie* case of anticipation over Applicant's amended claims. Specifically, the Kito reference fails to describe an article having two or more layers having a principle color, and wherein the observed color of said exposed light transmitting layer, when viewed along the edge appears different than its principal color.

The Kito reference fails to teach two or more layers with a principle color, and therefore fails to teach an article where the color of the exposed light transmitting layer appears different than the principle color.

The Kito reference is to an article or film that can be painted with a thermochromatic coating that may be colored. Kito states: "The reversible thermochromatic opaque/transparent composition of the present invention...undergoes a basic change of being colored and opaque below said low trigger temperature, and colorless and transparent above said high trigger temperature. " Col 3, lines 39-44.

Thus the Kito coating may be colored if opaque, but is colorless when transparent.

The Kito reference also describes an undercoat and a substrate onto which the thermochromatic coating may be applied. (Col. 13, lines 6-27). The under coating is a transparent methacrylic or acrylic resin or copolymer resin. (Col 13, line 10). The undercoating is further described in Col. 13, lines 44-51 as being applied on the substrate

as a solvent composition selected according to the coating method. There is no mention of any coloring of this transparent undercoating layer.

The substrate layer is described in Col. 13, lines 14 – 27. It can be either transparent or opaque. Transparent substrates are then described by chemistry – with no mention of any coloring. Opaque or semi-transparent substrates are then described by chemistry, with mention of “above mentioned resin colored or opacified with pigment”. Only the opaques or semi-transparent substrate is mentioned as possibly having a color. One of skill in the art would not be motivated by a teaching of non-colored transparent substrates, or colored opaque substrates to use a colored transparent substrate. Since the coloring of opaque substrates only is not recognized as a result-effective variable, it is not subject to routine experimentation. The Kito reference could have mentioned coloring of a transparent substrate, had that been anticipated, but instead the reference specifically omits all references to color for a transparent substrate, but specifically mentions color for an opaque substrate.

In all of the Kito Examples, it was noted that at the higher temperatures, the film or article was (transparent and colorless)

Thus the Kito explicitly reference teaches:

- a) a thermochromatic coating that is either opaque and colored below a certain temperature, changing to colorless and transparent above a certain temperature.
- b) An undercoating that is transparent (no mention of any coloring).
- c) A substrate that is either transparent (no mention of color), or is opaque and colored, or non-colored.

Therefore, the Kito reference fails to describe a light-transmitting layer having a principle color.

Further, even if the Kito layers were colored, the layers are so thin as to not present an edge that is large enough to meet Applicant’s claim element that the observed color, when viewed along the edge, appear different than the principle color. The Kito thermochromic coating layer is in the range of 2 – 100 microns (Col. 12, line 21). The ink layers in the Examples are in the 15-20 micron range.

The undercoating layer, as a coating would also be expected to have a typical coating thickness in the 2-50 micron range.

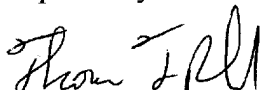
The substrate layer thickness in examples 1-6 is a 100 micron film. The substrate in Examples 7-11 is most likely thicker, but always “transparent and colorless”.

Thus the thermochromic coating and undercoatings are too thin to have visible edges capable of exhibiting any noticeable color change based on angle of view – even if they were colored.

Conclusion

The reference cited, fails to teach all of Applicant’s claim elements, and therefore fail to present a *prima facie* case of anticipation over Applicant’s claims. For the above reasons the present claims are believed by the Applicant to be novel and unobvious over the prior art, thus the claims herein should be allowable to the Applicant. Accordingly, reconsideration and allowance are requested.

Respectfully submitted,



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